

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of October 27, 2009 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 14-1437.

Claim Rejections-35 U.S.C. § 101

Claims 23, 26-27, and 33-38 were rejected under 35 U.S.C. § 101 as it was asserted that the claimed invention is directed to non-statutory subject matter. More specifically, it was asserted that that Claims 23 and 26-27 recite a process that neither is tied to another statutory class (such as an apparatus) nor transforms underlying subject matter to a different state; Claims 33-38 are directed to software *per se* because there is insufficient structure.

Although Applicants disagree, independent method Claim 23 has been amended to recite configuring a computer system into a particular machine or apparatus to carry out the method steps. Therefore, the claimed method steps are tied to a particular machine or apparatus, namely a specifically configured computer system. Independent system Claim 33 has been amended to recite a computer system comprising at least one memory and at least one processor, which provide sufficient structure.

Claim Rejections-35 U.S.C. § 112

Claims 23, 28, and 33 were rejected under 35 U.S.C. § 112.

Appropriate correction has been made. It is noted that Claims 24 and 29 have been cancelled previously.

Affidavit under 37 CFR 1.131

It was asserted that the affidavit filed on 06/23/2009 under 37 CFR 1.131 is ineffective to overcome the Flaxer reference because it does not contain an allegation that the acts relied upon to establish the date prior to the reference were carried out in this country or in a NAFTA country or WTO member country.

Amended declarations under 37 CFR 1.131 with the required allegation are submitted herewith.

It was further asserted that there is no date given for the publication “A Model-Driven Approach for Item Synchronization and UCCnet Integration” by Cheng et al. and Applicant fails to explain the relevance of a series of drawings referred to as “Collaborative Enterprise . . . UCCnet.”

It is noted that the publication and the drawings are all part of the Invention Disclosure. It is the “attached document” referred to in paragraph 2 on page 2 of the Invention Disclosure.

In view of the above, Applicants respectfully request withdrawal of Flaxer as a prior art reference.

Claim Rejections-35 U.S.C. § 102

Claims 22-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application 2004/0162741 to Flaxer, *et al.* (hereinafter Flaxer).

Although Applicants disagree with the rejections, Applicants have amended Claims 23, 28, and 33 in an effort to even more clearly define the present invention and to facilitate prosecution of the instant application, especially taking into consideration of the Examiner’s comments on pages 3-4 of the Office Action.

As already discussed in the previous response, Flaxer does not concern conducting an electronic commerce transaction involving two or more discrete business entities and/or business applications as does the present invention. In Flaxer all the phases involved are within one business entity. It is noted that the limitation that the electronic commerce transaction involves two or more discrete business entities and/or business applications has now been recited in the body of Claims 23, 28, and 33.

Flaxer also does not disclose the concept of an adaptive document, which is a semi-autonomous software unit that encapsulates business data and can exhibit variable behavior based upon different processing states. Flaxer further does not disclose the concept of a data adaptor for converting data from one format to another format in order

to reconcile data formats so that data can be exchanged between different applications, and a transport adapter for translating messages between messaging protocols used by different applications. Using these common application independent software building blocks, such as the adaptive documents and the adaptors, the present invention can achieve business process integration involving two or more discrete business entities and/or business applications. It is noted that the terms “adaptive document,” “data adapter,” and “transport adapter” have now been clearly defined in Claims 23, 28, and 33.

Accordingly, Flaxer fails to disclose or suggest each and every element of Claims 23, 28, and 33. Applicants therefore respectfully submit that Claims 23, 28, and 33 define over the prior art. Furthermore, as each of the remaining claims depends from Claim 23, 28, or 33 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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